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SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
STANLEY MOSK COURTHOUSE

DR. STEWART LUCAS MURREY,  Plaintiff,  vs. KELLY GIBBONS ET AL.,  Defendant	Case No.: 23STCV14890  DEFENDANT KELLY GIBBONS' ANTI-SLAPP MOTION TO STRIKE THE COMPLAINT [CCP 425.16]  COURT RES #: 342923749740 HEARING DATE: JULY 1, 2024 HEARING TIME: 10:00AM
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## INTRODUCTION

Plaintiff Stewart L. Murrey ("Plaintiff" or "Murrey") has added to his historical pattern of filing frivolous and harassing lawsuits by alleging that the defendant, Kelly Gibbons ("Defendant" or "Gibbons"), along with more than 50 other women have made defamatory statements online which- according to the Plaintiff- have somehow caused monetary and emotional distresses incredulously amounting to over two million dollars in "damages". Any questions and/or statements made by the Defendant in reference to the Plaintiff, however, are considered protected speech pursuant to California's Anti-SLAPP statute codified at California Code of Civil Proc. § 425.16 and are considered privileged communications pursuant to California Civil Code § 47(b).

These protected statements are the basis for the eleven (11) causes of action by the Plaintiff against Gibbons (and others) in the instant action, particularly the First and Second Causes of Action for Defamation- Libel and Libel per se, respectively. Accordingly, the entire complaint as pertaining to Ms. Gibbons, and particularly the First and Second Causes of Action against her, must be stricken.

Not only does this lawsuit present as a frivolous intimidation and/or bullying attempt by the Plaintiff against Gibbons - a woman with whom he has never met - it is also an illegal attempt to restrain and punish Gibbons' valid exercise of her constitutional right to freedom of speech, especially with the intent of public safety.

Furthermore, California's Anti-SLAPP law protects even the most extreme and derogatory internet posts, some of which would prove the Defendant's well-intentioned concerns and comments in this case to be menial in comparison. Since Anti-SLAPP may be used in private disputes and the internet is a public forum, any comments made by Gibbons are in the domain of her rights and therefore the court must find that the statements being alleged against Gibbons are non actionable. As the claimed burden placed on Plaintiff will not be met, the court must rule to strike the complaint under the Anti-SLAPP statute.

Because the Defendant has no prior experience with the court system and is unrepresented, she was unaware of what an Anti-SLAPP motion was before this case and has had a prior unsuccessful attempt to file. With the vast amount of evidence and included information that the Plaintiff's complaint was never properly served (and thus the window of time to submit this motion was never technically set in a proper manner) Gibbons would like to respectfully request that the court allow submission without requiring an extension; if the courts deem an extension necessary, the Defendant has no problem re-submitting this motion with the extension included.

## STATEMENT OF FACTS

In January of 2022 the defendant, Kelly (or Kel) Gibbons, matched with the plaintiff, Stewart Lucas Murrey, on the dating app Hinge which subsequently led to an exchange of telephone numbers. On January 18, 2022 at 1:17am, plaintiff Murrey initiated a text conversation with defendant Gibbons. Between January 18, 2022 and February 3, 2022 Gibbons and Murrey exchanged various messages-including, but not limited to, the plaintiff providing an address to what he referred to as his “flat” in one exchange and confirms that it is his “place” in another (information which he states definitively in his complaint that he did not provide, however the attached “**Exhibit A**” proves, with time/date-stamped iMessage screenshots, more than one occasion where the same information was provided.) Plaintiff alleged not only that he never provided said information, but he also made a separate and contradictory statement alleging that the “defendants” shared that information (which again, he claims to having not provided) with a group; this is not accurate of Gibbons individually, nor is it possible to confirm with any form of proof to the contrary. The Defendant notes that in one of the exchanges found in **Exhibit A**, Plaintiff asked for “exactly” where she lived, followed directly with “I’m here” and a numerical address to which he referred as his “flat”. Gibbons replied with only a general area in order to maintain privacy while also trying to help determine an equally convenient place for the date. Gibbons would also like to note that the Plaintiff invited her to the address which he referred to as his “flat” even after the defendant had already expressed to him previously that she was not open to visiting his house before they met in person (**Exhibit A** will prove these statements as fact). Within the communication between mid-January and early-February 2022, the Plaintiff propositioned- consistently and on multiple occasions- to either meet, date, or Facetime with the defendant Gibbons. A significant amount, if not most, of communication between the Plaintiff and the Defendant included either compliments from the Plaintiff directed toward the defendant’s appearance, “vibe”, and sense of humor, or eager attempts to schedule meeting her in person, which directly contrasts the Plaintiff’s claim that he “rejected” her. Contrarily, Gibbons would challenge that the number of times she was asked to meet the plaintiff (multiple), compared to the number of times she actually did meet the plaintiff (zero) suggests the opposite could be argued.

After back and forth messaging and Gibbons postponing date requests from the Plaintiff over the course of 2 or 3 weeks, the Defendant did intend to actually meet with the plaintiff on at least two occasions; a singular phone call between Gibbons and Plaintiff occurred on February 3, 2022- a day before the second time she planned to meet him. This call was unexpected by the defendant, as it came through while she was already texting the Plaintiff about their plans for the following day. During their first ever audio call, for reasons unbeknownst to Gibbons, the Plaintiff decided to invite a third party, to whom he referred as his “lawyer”, to the conversation via conference call. Though Gibbons found the suggestion to be strange, the plaintiff did not give her much time to object before switching lines. After a few uncomfortable minutes with the two men more or less disregarding her presence, the Defendant

excused herself from the call. This interaction caused the Defendant's suspicion of the Plaintiff to be heightened, which prompted her to open the Hinge app in order to take another look at his profile. **Exhibit B** provides iMessage screenshots from the Defendants last reciprocal text conversation with the Plaintiff (directly following the phone call on February 3, 2022) wherein Gibbons communicated to the Plaintiff that she noticed he was no longer matched with her on the Hinge app and expressed that she felt "nervous about meeting [him] for some reason". Following the latter expression, Plaintiff asked for Defendant's Instagram (IG) account handle and indicated that he would direct message (DM) her there; within 60 seconds or less of the inquiry, however, it seemed that the Plaintiff had a change of heart and abruptly declared without explanation- and before she could reply- that he was no longer interested in meeting Gibbons (time-stamped iMessage receipts are provided with **Exhibit B**). Plaintiff then went so far as to abruptly call Gibbons "erratic" without warrant. Gibbons responded to the sudden change in behavior by replying out of shock with "Wow. lol. Alright. That was interesting".

After the Plaintiff made another seemingly random comment during the February 3, 2022 exchange about not being into "dumb games", Gibbons confirmed for herself and then relayed in a message to the Plaintiff that, in her opinion, the apprehension she felt about making plans was validated. Gibbons stated to the Plaintiff that she would "chalk it up to a gut instinct", adding "Take care of yourself, I hope you find what you're looking for." in an attempt to politely end the conversation. Plaintiff chose to continue in retaliation with what was received by Gibbons as sarcasm in wishing her "luck"; he then went on to insult her by implying that she does not receive compliments from others (despite the fact that he, himself, sprinkled various compliments throughout the entire course of communication between the two- as recently as 20 minutes prior to this exchange as well as on the aforementioned phone call- which includes but is not limited to describing Gibbons as: "adorable", "cute", "beautiful", "funny", and "hot" on varying occasions). Gibbons then expressed to Plaintiff that she felt he "turned rude really very quickly", while adding "All good. No harm, no foul." along with a yellow heart emoji. Gibbons stated to the plaintiff that she was "not into disrespect" and "it's good [they] didn't meet up". Plaintiff then, bizarrely and without context, accused Gibbons of having "violent mood swings" and threatened to block her "if she didn't stop texting", to which she replied "Feel free." and compared his behavior to the starkly contrasting literary characters Dr. Jekyll and Mr. Hyde.

The last text from Defendant to the Plaintiff was shown to be delivered as an SMS (indicated by green message bubbles rather than blue), which seemingly implied that Gibbons had been blocked before it was able to deliver on iMessage- however, the iMessage application on the defendant's laptop indicated that the iMessage had been "delivered", which is cause to presume that Plaintiff had simply turned his phone off instead (screenshot from laptop with delivered receipt is also included with **Exhibit B**). While it is unclear whether or not the Plaintiff read/received that final text or actually had blocked Gibbons as he claims, it is abundantly clear within the context of many messages sent to the Defendant that the plaintiff was largely the pursuer in this situation- that is until he was openly questioned by her.



Immediately following this exchange, Gibbons blocked the Plaintiff's phone number and moved forward without ever attempting to communicate or interact with him again.

In July of 2022, approximately 4 months after Gibbons blocked the Plaintiff, the Defendant learned about and joined a city-specific chapter of a Facebook group called "Are We Dating The Same Guy- Los Angeles" (AWDTSG:LA). To the Defendant's knowledge, the groups were formed with the intention of women protecting one another from potentially unhealthy or dangerous men in each individual city by alerting other members of unsavory or downright alarming behavior experienced after meeting men in that city for dates.

In August of 2022, after being in the group for about a month and reading numerous accounts of disturbing encounters experienced by some of the other members at the hands of their dates, Gibbons felt compelled to look into the bizarre experience she had with the Plaintiff after matching with him a few months prior. On August 3, 2022, the Defendant made a post in the Facebook group which included pictures that the Plaintiff claims in his complaint to have been "stolen", but had been used on his dating profile and/or sent to her directly (albeit unsolicited). Gibbons expressed in the post a curiosity about whether other members of the group had any experience with the Plaintiff in the past, stating: "...I'm curious if anyone has met 'Lucas' in person (I'm not sure if that's even his real name)". Nowhere within her one-sentence post did Gibbons "defame" Plaintiff, as stating a curiosity about someone is not defamation. **Exhibit C** includes a screenshot of the original post made by the Defendant which proves these statements as fact. While the plaintiff's complaint refers to the defendant's Facebook inquiry as a "conspiracy to harm" him, the reality is that Gibbons was simply looking for information related to what she felt was a confusing and hostile exchange with him. Because the Defendant had never met the Plaintiff in person, she didn't want to make assumptions and intentionally phrased the post as a curiosity rather than a declaration of his character.

The communication within the comment section of the post clearly indicated to the defendant numerous recounts heeding caution from multiple differing individuals who claimed to have shared personal interactions with the Plaintiff; also within the comments were members who had not matched or met with the Plaintiff, but had either seen or heard of him from sources outside of the AWDTSG: LA page (including, but not limited to Google.com). Gibbons did not make any defamatory declarations throughout. Due to the concerning nature of what she read along with her own experience and with the interest of safety for other women - in general, but situationally pertaining to the Hinge app- Gibbons reported the Plaintiff's name to and received confirmation from Hinge that his profile had been removed on August 28, 2022 (**Exhibit D** provides a copy of this confirmation).

On February 13, 2023, just over a year after Gibbons had blocked Plaintiff's telephone number and approximately six months following the Facebook post, which Gibbons has never denied making, he reached out to Defendant via the messaging application WhatsApp. It is presumed that the Plaintiff used

this third-party application because he could not reach Gibbons via iMessage due to having been blocked a year prior. In the message, Plaintiff declared that he had “gathered evidence” against Gibbons of an alleged “conspiracy” to “defame” him on the Facebook platform. Plaintiff then threatened that Gibbons was “being sued” before continuing that he found her “behavior” was “disgusting” and further proclaiming “public judgment” against the Defendant for what he alleged as “unlawful and tortious acts”. Gibbons immediately blocked Plaintiff on WhatsApp without replying. While the defendant did give the plaintiff her number, as he mentions in the complaint, the act of blocking the plaintiff more than a year earlier from contacting that number was her indication to him that she did not want to interact further, which is a boundary the Plaintiff violated by attempting to communicate through an outside messaging application. (**Exhibit E** shows this interaction in its entirety).

At 10:43pm on December 12, 2023, Gibbons discovered a stack of papers- paperclipped and without a cover page or envelope- stuffed into a grate on the metal screened door of her residence. (**Exhibit F** provides proof of this statement to be fact). This is the defendant’s first confirmed knowledge that the aforementioned lawsuit had actually been filed following Plaintiff’s threat on WhatsApp that same February (as shown in **Exhibit E**). The date on the summons the Defendant found informed her that the suit had been filed about 6 months prior, on June 23, 2023. Gibbons then reached out to her landlord in order to obtain ring camera footage of this event, as she never at any point had provided the named Plaintiff with her address. Gibbons was stricken with anxiety to learn that the Plaintiff, with whom she had never met in person, had obtained for himself the information about where she lived and further- showed up there, and entered through a passenger gate at night to get to the back door. **Exhibit F** provides proof of these statements as fact.

The following week, on December 17, 2023, while Defendant was away from her home (confirmed with a time-stamped screenshot provided in **Exhibit G**), she received a text message within a group chat shared between herself and the other two individuals living at her residence. One of Gibbons’ roommates, having been informed about the situation by the defendant due to safety concerns after the previous incident, told her that 2 men had rung the doorbell around 8:44pm. Considering that visitors without prior communication in the household was not a common occurrence, the defendant’s roommate was apprehensive to answer and instead looked out of the second floor window; the roommate described seeing 2 men recording the event with what seemed to be a cell phone. Considering the obtained Ring camera footage from the December 12 incident, Gibbons concluded that this was another improperly served summons from the Plaintiff and then arrived home to papers on her porch which confirmed that conclusion.

Though the Plaintiff falsified a “proof of service” form, signing that he personally delivered the papers to the defendant and/or someone accepting on her behalf when he in fact did not, both of the times the Plaintiff attempted to serve her were not done according to the proper legal process. Upon realizing that the Plaintiff - a complete stranger from a dating app who’s number she blocked almost 2

years prior - had independently sought out her home address and had at least twice been on her property already, Gibbons chose to file an answer to the summons rather than filing an improper service form in order to avoid prompting the possibility of the Plaintiff returning to her home. At the request of her roommates, who also found the situation disturbing, the defendant posted a “No Trespassing” sign on the door shortly after. **Exhibit G** provides proof of these statements as fact with individuals names redacted to protect identities.

Finally, in early 2024, Gibbons was informed that her first and last names as well as her social media nickname and the names of numerous other current or former members of the previously named Facebook group have been written and posted by the Plaintiff on the (then) public forum Sickoscoop; in one article written by the Plaintiff, Gibbons is said to be tied to false and frightening global conspiracy theories. In other public posts made, the plaintiff has declared statements about Gibbons’ character, intentions, and actions which are not only out of context but erroneous and categorically baseless. As of April, 2024, the Plaintiff has continued to make harassing posts about the defendant, using both her full name and pictures of her on public platforms.

## **I. ALLEGATIONS IN THE COMPLAINT**

The eleven causes of action in the complaint filed by Plaintiff are based upon allegations that Gibbons and others made intentionally damaging comments to discuss Murrey’s public record of past lawsuits and arrests, as well as his history of harmful online dating behavior, in an online Facebook group called, “Are We Dating the Same Guy- Los Angeles”.

Gibbons has never attempted to deny the fact that she wrote and posted a question in the group about the Plaintiff in order to gain information regarding the safety of interacting with him, however the defendant had zero prior knowledge of his extensive and public legal history or the personal experiences expressed by other members. Because said information was uncovered following her inquisition and not prior to, the plaintiff could not have made the defamatory statements generally alleged by Plaintiff. Additionally, Plaintiff does not specify comments made by Gibbons directly; he refers to "defendants" in a general sense having made "defamatory statements" which were alleged to include “involvement in a murder case of his ex wife”, how he has “several domestic violence charges filed against him”, he “has filed court cases against women trying to extort them”, that he “has STDs”, “has an ex wife who was killed”, that he “deserves to be arrested”, how he “claims to be an attorney” and so on. Complaint at P13, 14, 15, 16, 17.

Plaintiff alleges in his complaint (14) that Gibbons and others “refused to allow plaintiff” to join “these groups” mentioned in order to “defend himself”, but the Defendant had no previous knowledge that an attempt to join the group was made. Relatively, Gibbons does not now and has not ever had access to the moderator/admin controls of the group, which include but are not limited to: verification and the acceptance or refusal of members, thus the Defendant does not now and has not ever had any authority over who is or isn’t allowed to join the group. Gibbons has zero involvement in the Plaintiffs rejection from joining the Facebook forum.

The Plaintiff has stated in his complaint (17) that he “could tell that Kel Gibbons was not his type” and he “informed her that he no longer had any interest in meeting her” before going on to claim that the defendant subsequently posted “hundreds” of “false and harmful comments” about the Plaintiff “as well as pictures she had stolen from him from various platforms without his consent”. These are just more in a collection of false allegations which the defendant finds to be rather juvenile but effortless to prove as untrue. As declared in the above “statement of fact”, the post made by Gibbons included 3 pictures which were posted either on the Hinge app or sent directly to her by the Plaintiff voluntarily (albeit unsolicited) and were not “stolen without his consent” by any means. More than one of the photos included in the Defendants post are also published on the Plaintiffs public social media pages including Instagram and Twitter. **Exhibit H** will include messages from January 27, 2022, when Gibbons exchanged communication related to directly asking the plaintiff’s “type”; the evidence will clearly show that the plaintiff never once expressed to the defendant that she was not his “type” when directly asked. Plaintiff even proclaimed “I like the tattoo on your pretty hand” and “I like your vibe” after requesting and receiving a picture of Gibbons. When directly asked about his physical type, the Plaintiff replied that he was “open minded” before asking if she was “cute or slender”. **Exhibit H** will also include some, but not all, instances in which the Plaintiff compliments Gibbons not only on her appearance, but on her sense of humor/personality. In fact, the ONLY time the plaintiff ever expressed to the defendant that he was not interested in taking her out was immediately following Gibbons’ statement of feeling nervous to meet him after confirming plans for a date (as seen in **Exhibit A**).

**Exhibit I** will show that the Defendant did not “steal” pictures from the Plaintiff and rather, on more than one occasion, the Plaintiff voluntarily sent (unsolicited) pictures of himself to Gibbons via iMessage; **Exhibit I** also will show the Hinge app’s Terms of Service agreement, which requires approval before gaining access to the platform. In order to make a Hinge profile, the Plaintiff would have agreed to the Terms of Service, which includes agreeing that his “individual profile will be visible to other people around the world” and states the acknowledgment and agreement that his “content may be viewed by other users, and, notwithstanding these Terms, other users may share [his] content with third parties”

Finally, Plaintiff has stated in his complaint (19) that the “Defendant/s” factually did a search of his name before “meeting” him. This is only partially accurate of Gibbons individually, and still only

because she has yet to ever meet the Plaintiff in person. Had Gibbons done even a simple Google search prior to making her post, however, she would have had no need for the inquisition at all, as the information provided to her within the comment section would have reflected most - if not all - of the information (including an extensive legal history) which she discovered via Google.com. **Exhibit J** will prove statements as fact, while **Exhibit C** stands to prove with the original post in question that Gibbons only knew Plaintiff by the singular name "Lucas" and stated that she wasn't even sure he had used his real name, which indicates that she had not individually "looked [the plaintiff] up" as he claims.

## **II. LEGAL ARGUMENT**

### **A. California's Anti-SLAPP Statute Protects First Amendment Rights By Providing a Procedure for Quickly Dismissing Lawsuits Which Chill Those Rights**

Nearly 20 years ago, the California Legislature enacted Section 425.16 of the Code of Civil Procedure to provide for the early dismissal of meritless suits aimed at chilling the valid exercise of the constitutional rights of freedom of speech and petition for the redress of grievances. See, Cal. Code Civ. Proc. § 425.16(a); *Braun v. Chronicle Publishing Co.*, 52 Cal. App. 4th 1036, 1042, 61 Cal. Rptr. 2d 58 (1997); *Globetrotter Software, Inc. v. Elan Computer Group, Inc.*, 63 F. Supp. 2d 1127, 1128 (N.D. Cal. 1999). These meritless suits often are referred to as "Strategic Lawsuits Against Public Participation" or "SLAPP" suits, with the result that Section 425.16 has come to be called the "Anti-SLAPP statute." See Baun at 1040 &n. 1; see also *Batzel v. Smith*, 333 F.3d 1018, 1023-24 (9th Cir. 2003) ("California law provides for pre-trial dismissal of 'SLAPPs' ... [which are] lawsuits that 'masquerade as ordinary lawsuits' but are brought to deter common citizens from exercising their political or legal rights or to punish them from doing so.").

The statute provides that:

A cause of action against a person arising from any act of that person in furtherance of the person's right of petition or free speech under the United States or California Constitution in connection with a public issue shall be subject to a special motion to strike, unless the court determines that the plaintiff has established that there is a probability that the plaintiff will prevail on the claim.

Cal. Code Civ. Proc. § 425.16(b)(1). The California Legislature explicitly directed that this statute "shall be construed broadly." Cal. Code Civ. Proc. § 425.16(a).

Courts evaluate Anti-SLAPP motions using a two-step process. The first step is to determine whether the defendant has made a threshold showing that the challenged cause of action is one arising from protected activity. Only if such a showing is made should the court proceed on to the second step, which is to determine whether the plaintiff has demonstrated a probability of prevailing on the claim. *Commonwealth Energy Corp. v. Investor Data Exchange, Inc.*, 110 Cal. App 4th 26, 31 (2002) (citations omitted).

**1. The conduct attributed to Gibbons is based solely on clearly protected speech.**

Protected activities include "any act in furtherance of a person's right of petition or free speech under the United States or California Constitution in connection with a public issue." Cal. Code Civ. Proc. § 425.16(e). Specifically included in these activities is "any conduct in furtherance of the exercise of the constitutional right or petition or the constitutional right of free speech in connection with a public issue or an issue of public interest." Cal. Code Civ. Proc. § 425.16(e).

In showing that a cause of action "arises from" protected activity, the moving party need not prove that a plaintiff's intent in bringing a non-meritorious claim was to chill the exercise of protected rights - in fact, the specific intent of a plaintiff is irrelevant. *Fox Searchlight Pictures v. Paladino*, 89 Cal. App. 4th 294, 305 (2001); *Tuchscher Dev. Enters., Inc. v. San Diego Unified Port Dist.*, 106 Cal. App. 4th 1219, 1232 (2003). The only consideration is whether the defendant's speech would actually be chilled as a result of the lawsuit.

**2. Once a defendant shows that it engaged in a protected activity, the burden shifts to the plaintiff to establish a probability that it will prevail on its causes of action.**

Once the defendant makes a threshold showing that a plaintiff's action is one arising from statutorily protected activity, the burden then shifts to the plaintiff to establish the probability that it will prevail on the merits of each of its causes of action without relying upon the protected activity. Cal. Code Civ. Proc. § 425.16(b). In this step, a motion to strike "operates like a demurrer or motion for summary judgment in 'reverse.' ... [T]he motion requires the plaintiff to demonstrate that he possesses a legally sufficient claim which is 'substantiated,' that is, supported by competent, admissible evidence." *USANA Health Sciences, Inc. v. Minkow*, 2008 WL 619287 at \*5 (D. Utah March 4, 2008); citing, *Coll. Hosp. Inc. v. Superior Court*, 8 Cal. 4th 704, 34 Cal. Rptr. 2d 898 (1994)).

### **III. PLAINTIFF'S RETALIATORY COMPLAINT IS AN ATTEMPT TO CHILL GIBBONS' VALID EXERCISE OF HER CONSTITUTIONAL RIGHT TO FREEDOM OF SPEECH AND THUS HIS COMPLAINT MUST BE STRICKEN**

The single, overriding purpose of Plaintiff's complaint it seems, is to retaliate against Gibbons and cause her stress and/or harm by means of intimidation for no reason other than abuse and harassment. Furthermore, the questions and statements Gibbons made within the online forum do not qualify as defamatory. Most importantly, Gibbons' online questions and comments are protected speech.

This kind of lawsuit targeting another's First Amendment rights has been specifically denounced by the California Legislature, which enacted the Anti-SLAPP statute—Code of Civil Procedure section 425.16 — to counter the “disturbing increase in lawsuits brought primarily to chill the valid exercise of the constitutional right of freedom of speech.” C.C.P. section 425.16. The Legislature there “declared that it is in the public interest to encourage continued participation in matters of public significance and that this participation should not be chilled through the abuse of the judicial process.” *Id.*

In addition, anti-SLAPP motions can be used in online forums. *Hecimovich v. Encinal Sch. Parent Teacher Org.*, 203 Cal.App.4th 450 (2012). Second, social-media speech is no different from “traditional” speech. See *Piping Rock Partners, Inc. v. David Lerner Assocs., Inc.*, No. C 12-04634 SI (N.D. Cal. May 17, 2013). Third, the Internet is a public form, i.e., a “public bulletin board.” *Wilbanks v. Wolk*, 121 Cal.App.4th 883 (2004). The Court of Appeal noted “[t]he internet is a classic public forum which permits an exchange of views in public about everything from the great issues of war, peace, and economic development to the relative quality of the chicken pot pies served at competing family restaurants in a single small neighborhood.” In *Chaker*, the court held that even if the comments are derogatory, the court still has a precedent for protecting derogatory internet posts. See *Chaker*.

There, the defendant posted online comments against said Plaintiff that he was “criminal and deadbeat dad”. Nevertheless, the court had “little difficulty concluding Wendy's statements were made in a public forum”, within public interest, and within her rights. The Court further went on to find that the statements made were non-actionable opinions, in large part because the statements were made within internet forums designed for exactly these types of opinion. Because *Chaker* did not meet the burden to show that he would prevail on his defamation claim, the court ruled to strike his complaint under the Anti-SLAPP statute.

The Statements alleged by Plaintiff in his complaint were either fabricated by persons other than Gibbons, or otherwise non-defamatory questions and/or statements admittedly made by Gibbons which are fully within her right to freedom of speech within online forums.

#### IV. DEFENDANT'S POSTS ARE PROTECTED SPEECH

The California Legislature defined the activities protected by section 425.16 as including “any written or oral statement or writing made in a place open to the public or a public forum in connection with an issue of public interest,” and “any other conduct in furtherance of the exercise of the constitutional right of free speech in connection with a public issue or an issue of public interest.” C.C.P. section 425.16(e). Issues relating to individuals dating and harassment habits is a public issue that is freely discussed online in such social media sites as Facebook.

Seeing as Gibbons was inspired to post a question about Plaintiff in such online groups as "Are We Dating the Same Guy- Los Angeles" after experiencing the Plaintiff's derogatory statements and aggressive behavior, she maintains that she had every right to inquire the interested public about her overall safety following what she determined to be a concerning interaction with him.

#### V. CONCLUSION

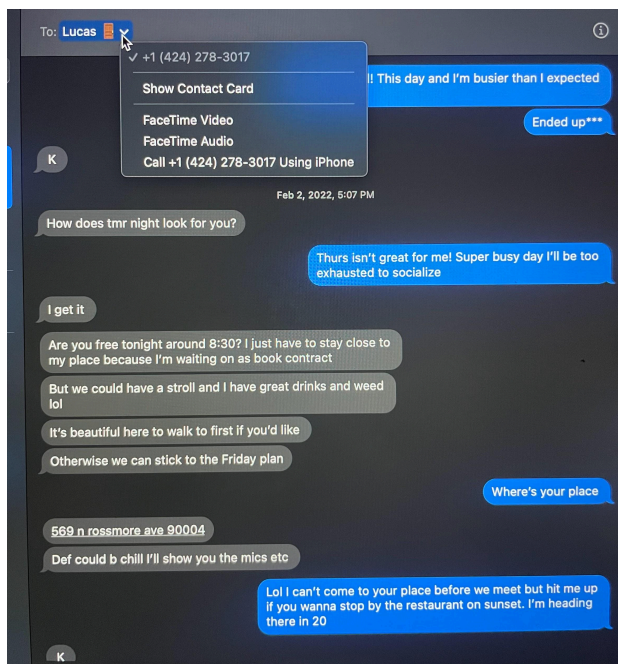
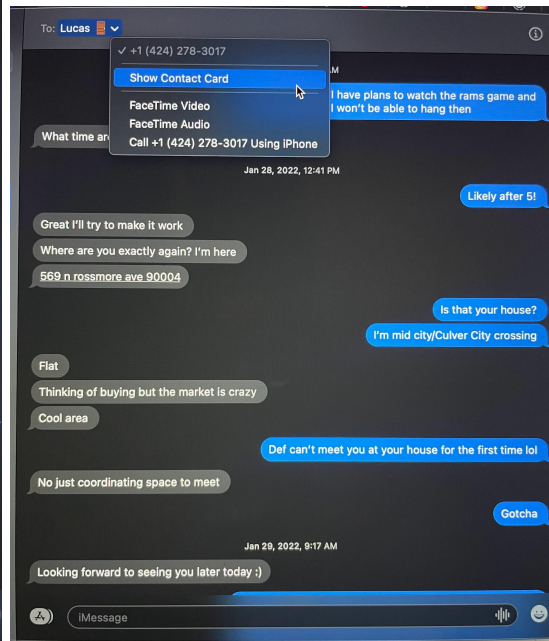
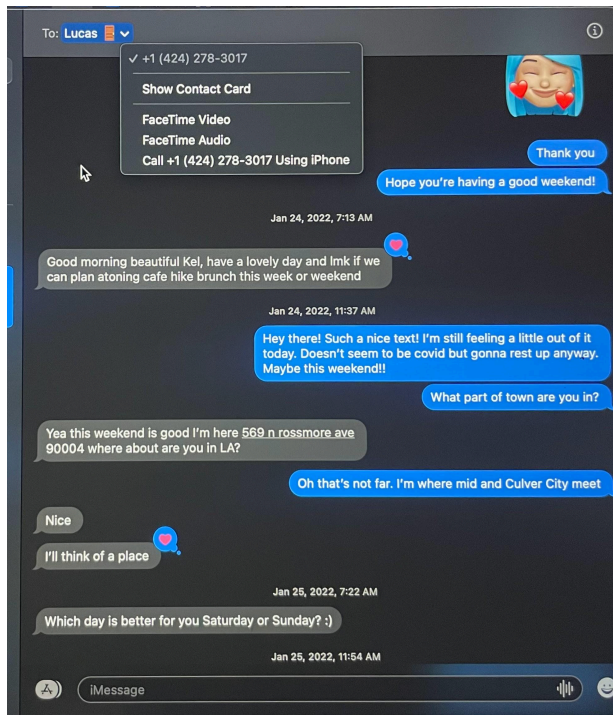
Based on the provided information and in the interest of not wasting the court's time, defendant Gibbons respectfully requests that the Complaint be dismissed in its entirety as to defendant Gibbons' pursuant to California's Anti-SLAPP statute along with the request that costs and reasonable court fees be awarded.

Date: APRIL 22, 2024

Signed: *kelly gibbons*  
Kelly Gibbons

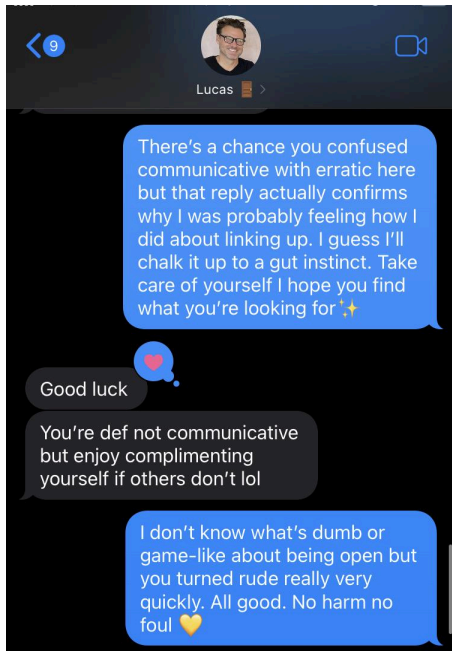


# EXHIBIT A

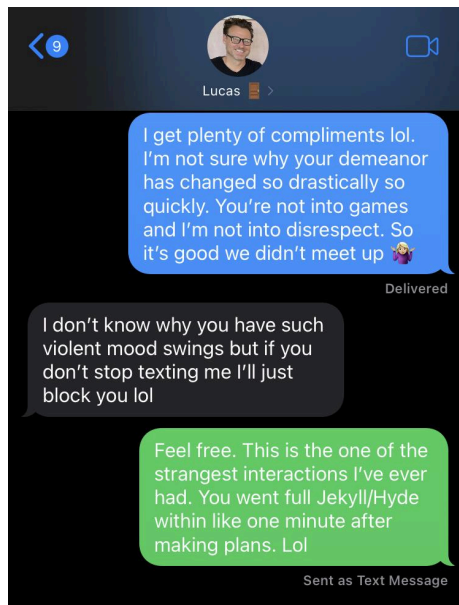


# EXHIBIT B

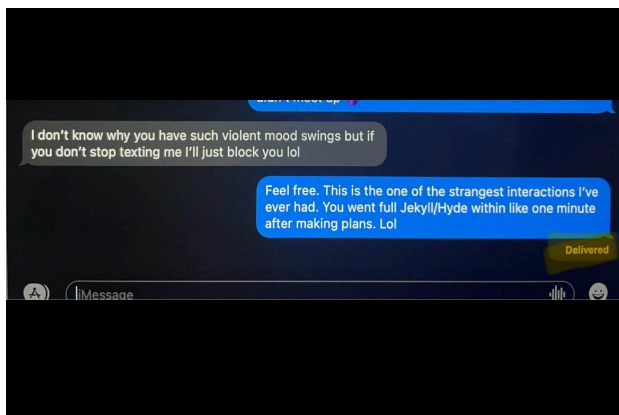
1.



2.



3.



# EXHIBIT C



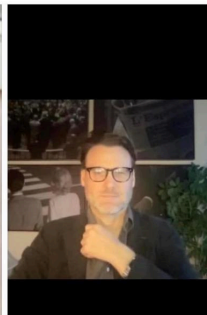
## Are We Dating The Same Guy? | Los Angeles



Open to messaging

Kel Culb Gib · Aug 3 · 📍

▶▶▶ Tea in comments if approved- but I'm curious if anyone has met "Lucas" in person (I'm not sure if that's even his real name)▶▶▶



# EXHIBIT D

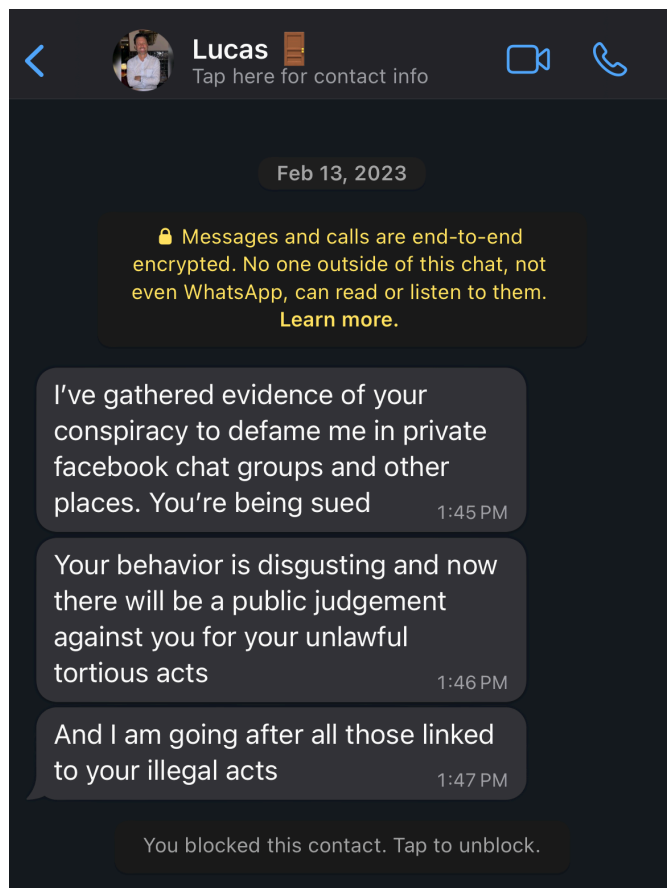


One of your matches, Lucas M, was recently removed from Hinge based on information regarding potentially fraudulent\* behavior. We are notifying you because you matched with this user. While Hinge cannot verify the accuracy of such information, it advises you to remain cautious in your online interactions with all individuals who you do not already know.

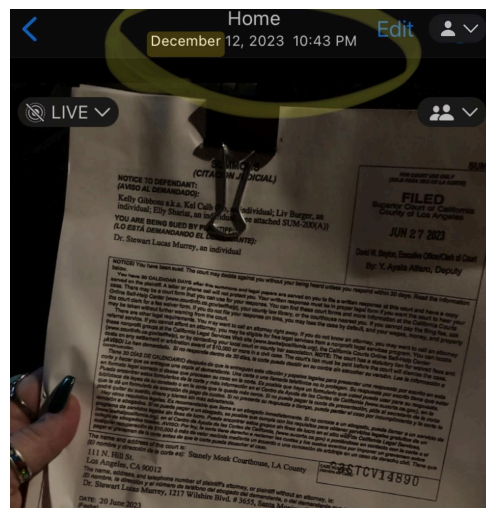
\* Fraudulent behavior includes but is not limited to using a false identity or posing a significant risk of attempting to obtain money from other users through deceitful means.



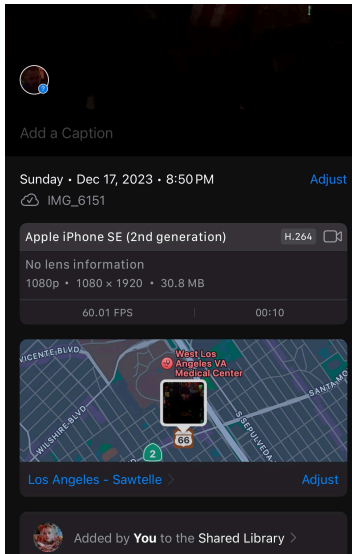
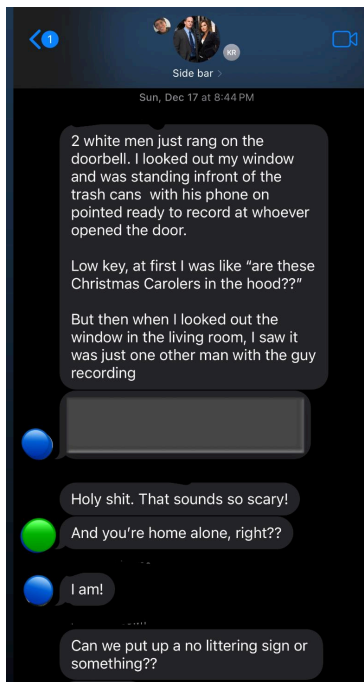
# EXHIBIT E



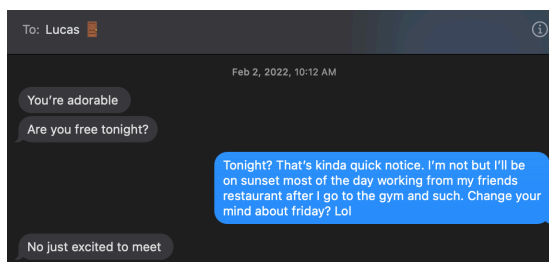
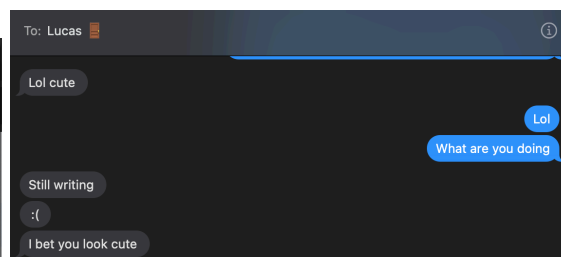
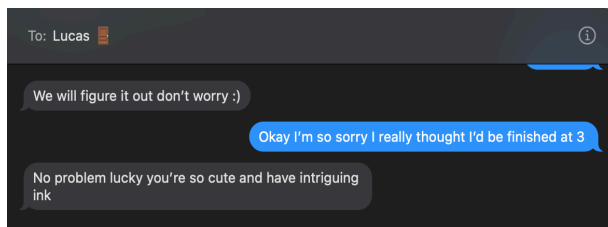
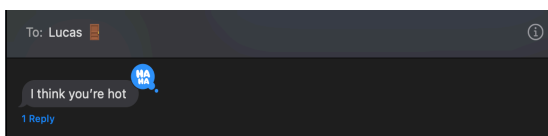
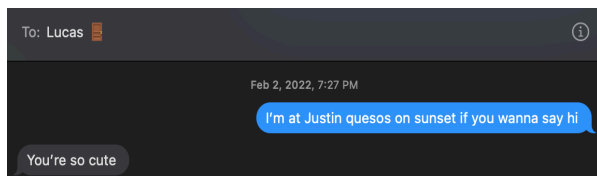
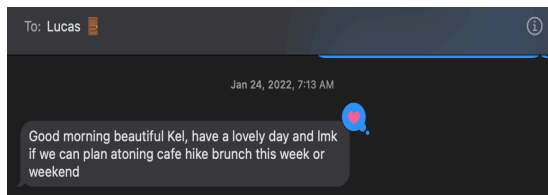
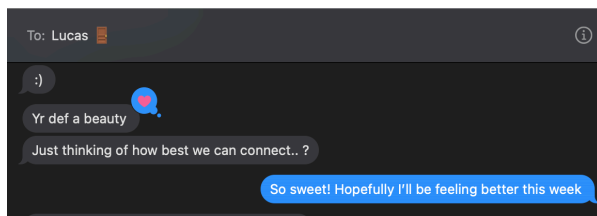
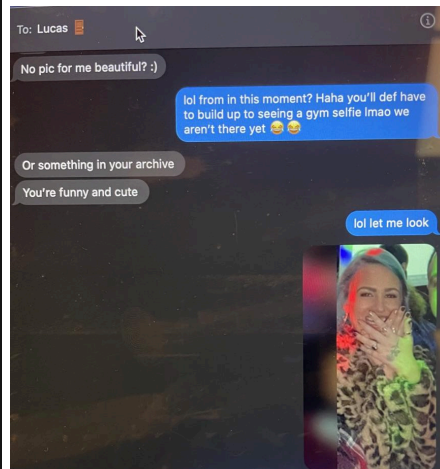
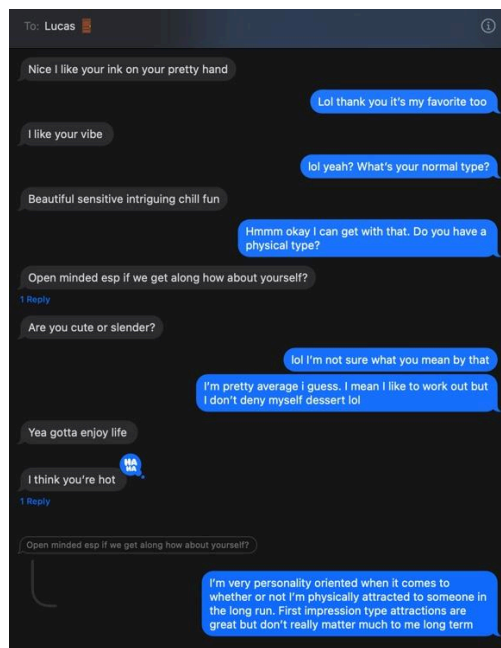
# EXHIBIT F



# EXHIBIT G

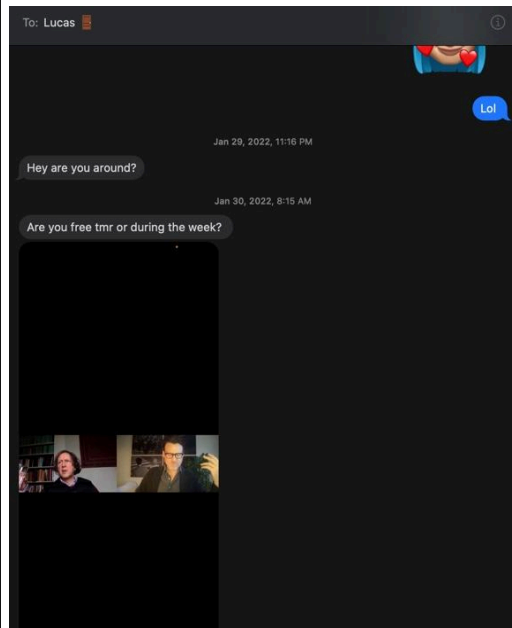
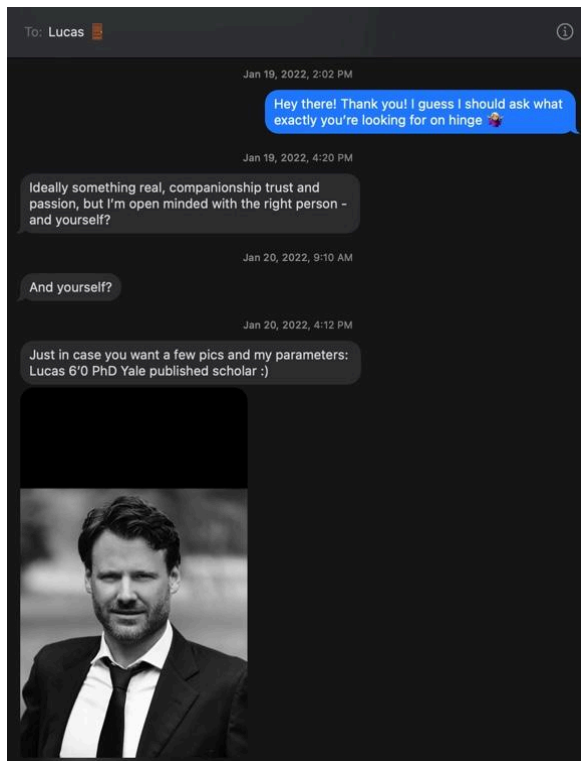
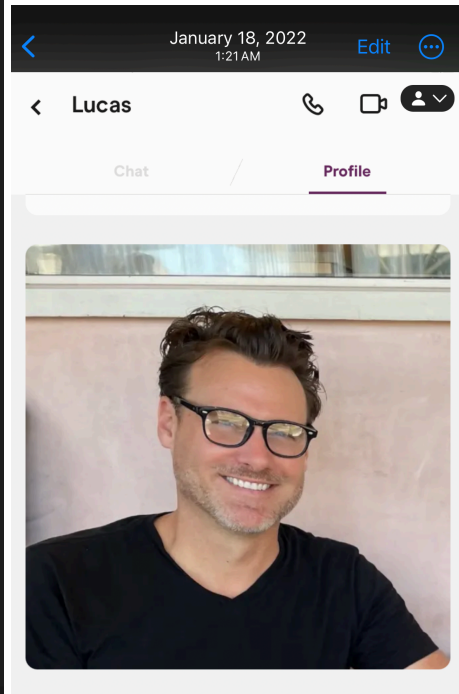
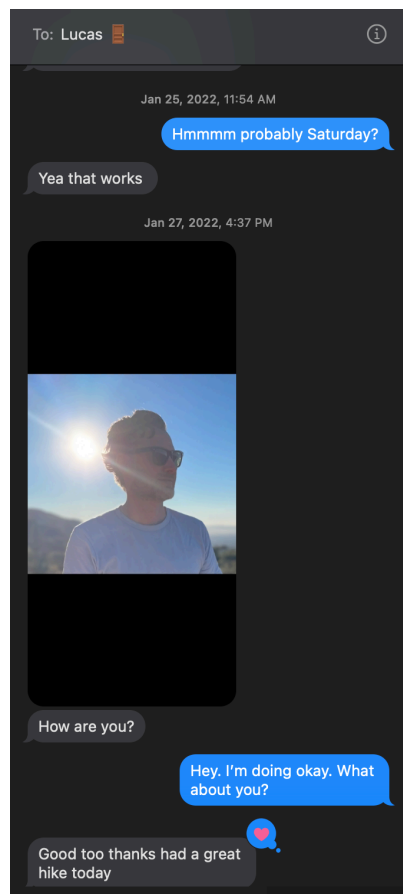


# EXHIBIT H





# EXHIBIT I





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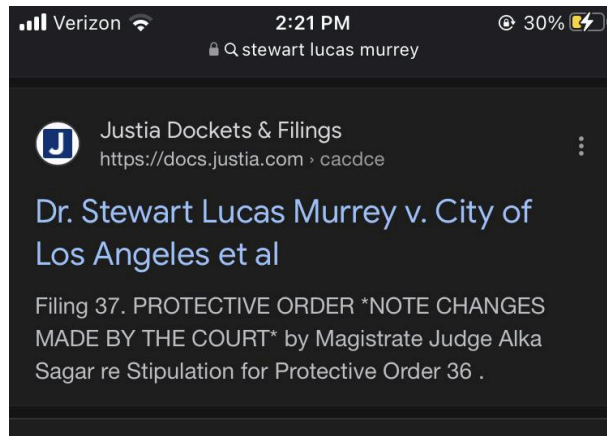
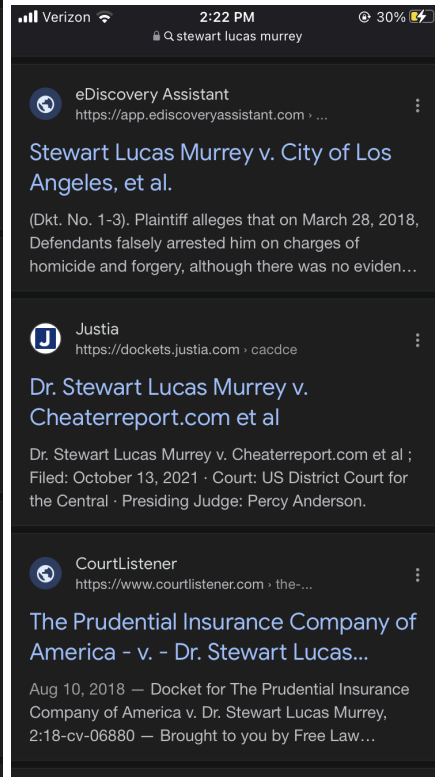
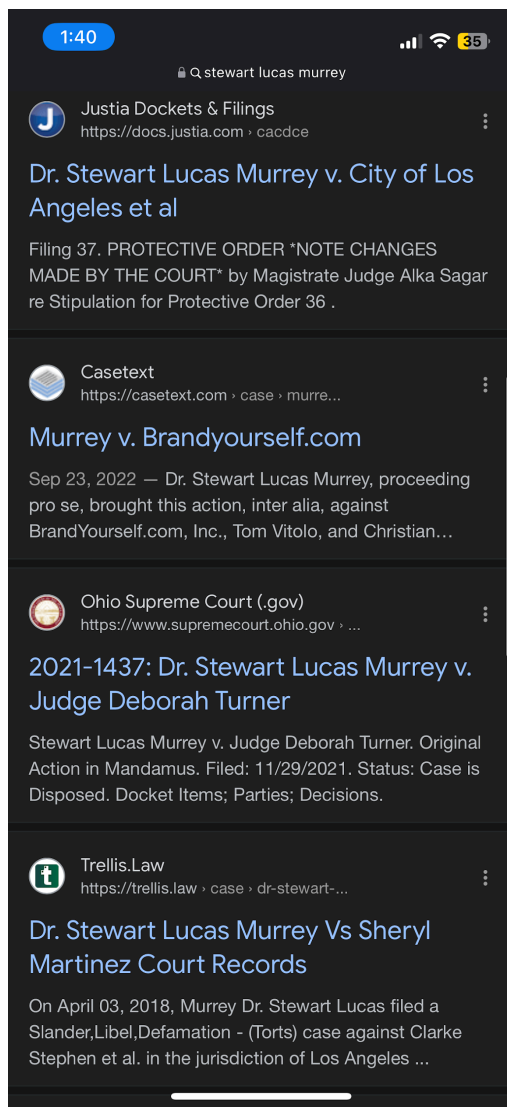
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# EXHIBIT J



**STEWART LUCAS MURREY vs KELLY GIBBONS, et al.**

Case Number: 23STCV14890 Case Type: Civil Unlimited Category: Defamation (slander/libel)

Date Filed: 2023-06-27 Location: Stanley Mosk Courthouse - Department 61

Reservation	
Case Name:	STEWART LUCAS MURREY vs KELLY GIBBONS, et al.
Case Number:	23STCV14890
Type:	Special Motion to Strike under CCP Section 425.16 (Anti-SLAPP motion)
Status:	RESERVED
Filing Party:	Kelly Gibbons (Defendant)
Location:	Stanley Mosk Courthouse - Department 61
Date/Time:	07/01/2024 10:00 AM
Number of Motions:	1
Reservation ID:	342923749740
Confirmation Code:	CR-HUTWIYBKFV3HYUBEY